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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/743,990	12/22/2003	Amit Garg	2001-0526DIV3	9025	
7590 11/17/2005			EXAM	EXAMINER	
S.H. Dworetsky			HASHEM, LISA		
AT&T Corp.					
PO BOX 4110			ART UNIT	PAPER NUMBER	
Middletown, NJ 07748			2645		

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	10/743,990	GARG ET AL.
Office Action Summary	Examiner	Art Unit
	Lisa Hashem	2645 ·
The MAILING DATE of this communication a Period for Reply	appears on the cover sheet w	th the correspondence address
A SHORTENED STATUTORY PERIOD FOR REF THE MAILING DATE OF THIS COMMUNICATION  - Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, at If NO period for reply is specified above, the maximum statutory peri Failure to reply within the set or extended period for reply will, by sta Any reply received by the Office later than three months after the may earned patent term adjustment. See 37 CFR 1.704(b).	N. t 1.136(a). In no event, however, may a reply within the statutory minimum of thir id will apply and will expire SIX (6) MON atute, cause the application to become AE	eply be timely filed  by (30) days will be considered timely.  ITHS from the mailing date of this communication.  BANDONED (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 8-	- <u>22-2005</u> .	
	This action is non-final.	
3) Since this application is in condition for allow closed in accordance with the practice under	•	• •
Disposition of Claims		
4) ☐ Claim(s) 25-30 is/are pending in the applica 4a) Of the above claim(s) is/are without 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 25-30 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and	drawn from consideration.	
Application Papers	•	
9) The specification is objected to by the Exam	niner.	
10) The drawing(s) filed on is/are: a) a	accepted or b) objected to	by the Examiner.
Applicant may not request that any objection to t	the drawing(s) be held in abeyar	nce. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the corr		
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority documed 2. Certified copies of the priority documed 3. Copies of the certified copies of the papplication from the International Burn * See the attached detailed Office action for a light service.	ents have been received. ents have been received in A priority documents have been reau (PCT Rule 17.2(a)).	opplication No received in this National Stage
	·	
Attachment(s)		
1) X Notice of References Cited (PTO-892)		Summary (PTO-413)
<ol> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>Information Disclosure Statement(s) (PTO-1449 or PTO/SB/Paper No(s)/Mail Date</li> </ol>	Paper No(	s)/Mail Date nformal Patent Application (PTO-152)

#### FINAL DETAILED ACTION

#### **Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limitations of claim 29 '...a first unique ID number is transmitted when a new voicemail message is present for the subscriber and a second unique ID number is transmitted when no voicemail message is present for the subscriber...' must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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#### Claim Objections

2. Claim 27 is objected to because of the following informalities: the limitation 'a receiving a call'. Appropriate correction is required.

#### Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 29 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, '...a second unique ID number is transmitted when no voicemail message is present for the subscriber...' which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Section 0012, lines 1-4 disclose a caller-ID signal to ascertain the presence or absence of a new message, section 0023, lines 14-17 disclose a unique caller-ID to indicate a presence of a new message and another unique caller-ID to indicate no new message, section 0025, lines 7-11 disclose a server that calls CPE only when the message status changes either from no new message to new message, and section 0034, lines 12-21 disclose a unique caller ID of each mailbox indicating a new message. None of the disclosure indicates a second unique ID number is transmitted when no voicemail message is present for the subscriber.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claim 26 recites the limitation "the transmitted voicemail status message". There is insufficient antecedent basis for this limitation in the claim.

#### Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 8. Claim 27 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,995,594 by Shaffer et al, hereinafter Shaffer.

Regarding claim 27, Shaffer discloses in a telephone network (Fig. 1) that includes a voicemail server (Fig. 1, 22) and a call-back message notification server (Fig. 1, 20), the improvement comprising:

a controller (e.g. software program in switch) of said message notification server that automatically effects a voicemail status call to a subscriber device in response to one of receipt of a new voicemail message for the subscriber, a change in message status, and a lapse of a predetermined period of time since receiving a call at the voicemail server from the subscriber to retrieve messages (col. 3, lines 5-23; col. 3, line 56 – col. 4, line 5; col. 4, lines 34-39).

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## Claim Rejections - 35 USC § 103

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9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 10. Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,215,859 by Hanson, in view of Shaffer.

Regarding claim 25, Hanson discloses in a telephone network (col. 1, lines 7-10) that includes a voicemail server (e.g. voice-messaging system/mailbox system; col. 2, lines 10-12; col. 4, lines 7-14) that stores messages and notifies a subscriber device of a message stored in the voicemail server by initiating a voicemail status call to the subscriber, the improvement comprising:

multiple mailbox partitions formed within the voicemail server and associated with a single telephone line of the network (e.g. dial-up voice-messaging system),

respective unique IDs (e.g. recipient(s)) associated with respective ones of the multiple mailbox partitions (col. 4, lines 30-36), and

a controller (inherently within the voice-messaging system) that stores a voicemail message in a partition associated with one of the unique IDs and that effects transmission of a change in voicemail status during the voicemail server-initiated voicemail status call (col. 4, lines 30-36; col. 4, line 56 - col. 5, line 20).

Hanson does not disclose a message notification server that notifies a subscriber device of a message stored in the voicemail server by initiating a voicemail status call to the subscriber.

Shaffer discloses in a telephone network (Fig. 1) that includes a voicemail server (Fig. 1, 22) and a message notification server (Fig. 1, 20), the improvement comprising:

a controller (e.g. software program in switch) of said message notification server that automatically effects a voicemail status call to a subscriber device in response to one of receipt of a new voicemail message for the subscriber (col. 3, lines 5-23; col. 3, line 56 – col. 4, line 5; col. 4, lines 34-39).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the improvement of Hanson to include a message notification server that notifies a subscriber device of a message stored in the voicemail server by initiating a voicemail status call to the subscriber as taught by Shaffer. One of ordinary skill in the art would have been lead to make such a modification since a voicemail status call by a message notification server can notify the subscriber device of a new voice message for a subscriber that is stored in a voicemail server. Notifying a subscriber device of a new voice message is performed by a different server (e.g. message notification server) than the voicemail server that stores voicemail messages for multiple recipients to save in allocating resources for the voicemail server to perform many different functions.

Regarding claim 26, the improvement of claim 25, wherein Hanson further discloses the transmitted voicemail status includes one of multiple unique IDs (e.g. selected recipient) so as to identify a specific partition of the multiple mailbox partitions having a new voicemail message (col. 4, line 56 - col. 5, line 20).

11. Claim 28 is rejected under 35 U.S.C. 103(a) as being obvious over U.S. Patent No. 6,396,513 by Helfman et al, hereinafter Helfman in view of Shaffer.

The applied reference (Helfman) has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). This rejection might also be overcome by showing that the reference is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(l)(1) and § 706.02(l)(2).

Regarding claim 28, Helfman discloses in a telephone network that includes a voicemail server (e.g. voice mail system) that stores messages and that notifies a subscriber device of a message stored in the voicemail server by answering a voicemail status call by the subscriber (col. 7, line 29 – col. 8, line 53), the improvement comprising: at least one unique ID number (e.g. '3') associated with the status of messages (e.g. unread messages in the school-related category) at said voicemail server for that subscriber, and

a controller (inherently in said voice mail system) responsive to the subscriber device to transmit the unique ID number for that subscriber during the voicemail status call, according to the status of messages for that subscriber at said voice mail server (col. 8, lines 20-26).

Helfman does not disclose a message notification server that notifies a subscriber device of a message stored in the voicemail server by initiating a voicemail status call to the subscriber.

Shaffer discloses in a telephone network (Fig. 1) that includes a voicemail server (Fig. 1, 22) and a message notification server (Fig. 1, 20), the improvement comprising:

a controller (e.g. software program in switch) of said message notification server that automatically effects a voicemail status call to a subscriber device in response to one of receipt of a new voicemail message for the subscriber (col. 3, lines 5-23; col. 3, line 56 – col. 4, line 5; col. 4, lines 34-39).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the improvement of Helfman to include a message notification server that notifies a subscriber device of a message stored in the voicemail server by initiating a voicemail status call to the subscriber as taught by Shaffer. One of ordinary skill in the art would have been lead to make such a modification since a voicemail status call by a message notification server can notify the subscriber device of a new voice message for a subscriber that is stored in a voicemail server. Notifying a subscriber device of a new voice message is performed by a different server (e.g. message notification server) than the voicemail server that stores voicemail

messages for multiple recipients to save in allocating resources for the voicemail server to perform many different functions.

12. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helfman in view of Shaffer as applied to claim 28 above, and further in view of U.S. Patent No. 6,032,039 by Kaplan.

Regarding claim 29, the improvement of claim 28, wherein Helfman further discloses a first unique ID number '3' is transmitted when a new voicemail message is present for the subscriber and a second unique ID number '2' is transmitted when another new voicemail message is present for the subscriber (col. 8, lines 20-26).

Helfman in view of Shaffer do not disclose a second unique ID number is transmitted when no voicemail message is present for the subscriber.

Kaplan discloses in a telephone network (Fig. 2) that includes a voicemail server (Fig. 1, 156) and a message notification server (Fig. 1, 150), the improvement comprising:

a controller of said message notification server (Fig. 1, 150) that automatically effects a voicemail notification to a subscriber device (Fig. 1, 100) in response to one of receipt of a new voicemail message for the subscriber (col. 5, lines 13-25; col. 5, lines 43-56). Wherein Kaplan further discloses at least one unique ID number associated with the status of messages (e.g. unread voicemail messages) at said voicemail server for that subscriber, and a controller (inherently in said voicemail server) responsive to the subscriber device to transmit the unique ID number for that subscriber during a voicemail status call to the subscriber device, according to the status of messages for that subscriber at said voice mail server (col. 8, lines 20-26).

Wherein Kaplan further discloses a first unique ID number is transmitted when a new voicemail message is present for the subscriber and a second unique ID number ('zero') is transmitted when no (unread) voicemail message is present for the subscriber (col. 6, line 58 – col. 7, line 18).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the improvement of Helfman in view of Shaffer to include a second unique ID number is transmitted when no voicemail message is present for the subscriber as taught by Kaplan. One of ordinary skill in the art would have been lead to make such a modification since the subscriber is notified as to the presence and absence of new messages stored in the voicemail server.

13. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Helfman in view of Shaffer as applied to claim 28 above, and further in view of U.S. Patent Application No. 2002/0015478 by Fujisawa et al, hereinafter Fujisawa.

Regarding claim 30, the improvement of claim 28, wherein Helfman in view of Shaffer do not disclose further each unique ID number comprises a caller-ID number for display on the subscriber device.

Fujisawa discloses in a telephone network (Fig. 1) that includes notifying a subscriber device (Fig. 20, 12) of a voice message (Fig. 20), the improvement comprising: at least one unique ID number ('0123-4567') associated with the status of messages (e.g. new voice message) for that subscriber, and a controller (Fig. 2, 25) responsive to the subscriber device to transmit the unique ID number for that subscriber, according to the status of messages for that subscriber (section 0155, line 1 – section 0156, line 17; section 0258, line 1 – section

0279, line 2). Wherein Fujisawa further discloses each unique ID number comprises a caller-ID for display on the subscriber device (Fig. 20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the improvement of Helfman in view of Shaffer to include each unique ID number comprises a caller-ID number for display on the subscriber device as taught by Shaffer.

One of ordinary skill in the art would have been lead to make such a modification disclose information on the caller that left a voicemail for the subscriber.

14. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Shaffer.

Regarding claim 28, Kaplan discloses in a telephone network that includes a

voicemail server (Fig. 2, 156) that stores messages and a message notification server (Fig. 2, 150) that notifies a subscriber device of a message stored in the voicemail server (col. 5, lines 13-25), the improvement comprising:
at least one unique ID number associated with the status of messages (e.g. unread voicemail messages) at said voicemail server for that subscriber, and
a controller (inherently in said voicemail server) responsive to the subscriber device to transmit the unique ID number for that subscriber in another notification, according to the status of

Kaplan does not disclose a message notification server that notifies a subscriber device of a message stored in the voicemail server by initiating a voicemail status call to the subscriber.

messages for that subscriber at said voice mail server (col. 6, line 58 – col. 7, line 18).

Shaffer discloses in a telephone network (Fig. 1) that includes a

voicemail server (Fig. 1, 22) and a message notification server (Fig. 1, 20), the improvement comprising:

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a controller (e.g. software program in switch) of said message notification server that automatically effects a voicemail status call to a subscriber device in response to one of receipt of a new voicemail message for the subscriber (col. 3, lines 5-23; col. 3, line 56 – col. 4, line 5; col. 4, lines 34-39).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the improvement of Kaplan to include a message notification server that notifies a subscriber device of a message stored in the voicemail server by initiating a voicemail status call to the subscriber as taught by Shaffer. One of ordinary skill in the art would have been lead to make such a modification since a voicemail status call by a message notification server can notify the subscriber device of a new voice message for a subscriber that is stored in a voicemail server.

Regarding claim 29, the improvement of claim 28, wherein Kaplan further discloses a first unique ID number is transmitted when a new voicemail message is present for the subscriber and a second unique ID number ('zero') is transmitted when no (unread) voicemail message is present for the subscriber (col. 6, line 58 – col. 7, line 18).

15. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan in view of Shaffer as applied to claim 28 above, and further in view Fujisawa.

Regarding claim 30, the improvement of claim 28, wherein Kaplan in view of Shaffer do not disclose further each unique ID number comprises a caller-ID number for display on the subscriber device.

Fujisawa discloses in a telephone network (Fig. 1) that includes notifying a subscriber device (Fig. 20, 12) of a voice message (Fig. 20), the improvement comprising: at least one unique ID number ('0123-4567') associated with the status of messages (e.g. new voice message) for that subscriber, and a controller (Fig. 2, 25) responsive to the subscriber device to transmit the unique ID number for that subscriber, according to the status of messages for that subscriber (section 0155, line 1 – section 0156, line 17; section 0258, line 1 – section 0279, line 2). Wherein Fujisawa further discloses each unique ID number comprises a caller-ID for display on the subscriber device (Fig. 20).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the improvement of Kaplan in view of Shaffer to include each unique ID number comprises a caller-ID number for display on the subscriber device as taught by Shaffer.

One of ordinary skill in the art would have been lead to make such a modification disclose information on the caller that left a voicemail for the subscriber.

## Double Patenting

- 16. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
- 17. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned

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with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

- 18. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).
- 19. Claims 28 and 29 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 31 and 33 of copending Application No. 10/743,987. Although the conflicting claims are not identical, they are not patentably distinct from each other because the invention in Application No. 10/743,987 discloses the same disclosure and claims 31 and 33 disclose '... at least one unique ID number associated with the status of messages at said voicemail server for that subscriber...' and '... wherein a first unique ID number is transmitted when a new voicemail message is present for the subscriber and a second unique ID number is transmitted when no voicemail message is present for the subscriber and a subscriber...' as noted in claims 31 and 33.
- 20. This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting claims have not in fact been patented (a 'Notice of Allowance' for Application No. 10/743,987 was filed on 9-26-2005).

### Response to Arguments

21. Applicant's arguments with respect to claims 25-30 have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

- 23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
  - U.S. Patent No. 6,665,379 by Brown et al disclose a method of storing messages in a
    voice messaging system that has a plurality of voice mail boxes associated with a
    plurality of subscribers
- 24. Any response to this action should be mailed to:

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

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Or call:

(571) 272-2600 (for customer service assistance)

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The

examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

26. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh

November 8, 2005

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